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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,630	07/19/2001	Yakov Kamen	ISURFTV146	9979

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EXAMINER

CASCHERA, ANTONIO A

ART UNIT	PAPER NUMBER
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2628

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,630

Applicant(s)

KAMEN, YAKOV

Examiner

Antonio A. Caschera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(e).

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The filing date of provisional application claimed benefit from is incorrect as the filing date should read, "October 19, 2000," (see page 2 of Declaration).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4, 10-12, 14, 20-22, 24 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Yasukawa et al. (U.S. Patent 7,047,550 B1).

In reference to claims 1, 11 and 21, Yasukawa et al. discloses a system and method for processing program information efficiently (see column 1, lines 7-9). Yasukawa et al. discloses an embodiment of the invention wherein an EPG is displayed and a cell within the EPG is selected by a user (see column 22, lines 55-66, column 23, lines 4-6 and #109 of Figure 19). Yasukawa et al. discloses, in this embodiment, overlaying plural programming information over one another, for a specific time slot and user classification (see column 22, lines 55-60 and #102, 103 and 109 of Figure 19). Yasukawa et al. explicitly discloses allowing the user to multi-click the object or cell (#109) and for each click by the user, changing the program information display item 109 with the multiple programming information (see column 23, lines 4-6 and 18-24 and text caption of Figure 19, “when going on clicking...”). Note, the Office interprets the “attribute” of the object or cell functionally equivalent to the textual displayed contents of the cell therefore, Yasukawa et al. discloses modifying the textual displayed contents each time the cell is selected, this modification involving a “visible characteristic” of the text as such changes are viewable by the user. Further, since Yasukawa et al. shows, for example, three programming information data overlaid upon one another (see #109 and “zoomed” version of the cell in Figure 19), the Office interprets that such selection can be performed at least 3 times, in this example, which overcomes Applicant’s “at least more than two times” limitation. Lastly, with regards to Applicant’s changing of the attribute in a “common direction” limitation, Yasukawa et al. explicitly discloses changing the display of the cell data “in order” (see column 23, lines 20-22) which the Office interprets as a “common direction.” Further, in reference to claim 11, Yasukawa et al. discloses the system comprising program information retrieval means, time zone detection means and program table display means (see column 22, lines 35-50 and Figure 18)

which the Office interprets as functionally equivalent to the “units” of Applicant’s claim.

Further, the Office interprets that the computing system of Yasukawa et al. inherently provides some sort of “units” for updating the displayed content including selecting the EPG object (via a mouse, for example). Also, in reference to claim 21, the Office interprets Yasukawa et al. to inherently disclose some type of machine-readable medium executing instructions to perform the above displaying and modifying of EPG objects especially since Yasukawa et al. discloses the system functioning in a client/server environment (see Figure 48), or a computing environment, which inherently comprise such elements.

In reference to claims 2, 11 and 22, Yasukawa et al. discloses all of the claim limitations as applied to claims 1, 11 and 21 respectively above in addition, Yasukawa et al. explicitly discloses an embodiment wherein the programming information is modified with a color highlighting (see columns 19-20, lines 59-4 and Figure 15B).

In reference to claims 4, 14 and 24 Yasukawa et al. discloses all of the claim limitations as applied to claims 1, 11 and 24 respectively above. Since Yasukawa et al. discloses allowing the user to multi-click the object or cell (#109) and for each click by the user, changing the program information display item 109 with the multiple programming information (see column 23, lines 4-6 and 18-24 and text caption of Figure 19, “when going on clicking...”), this changing of information creating a “page flipping” view (see column 23, lines 20-22), the Office interprets Yasukawa et al. to inherently disclose modifying a 3D position attribute of the object.

In reference to claims 10, 20 and 30 Yasukawa et al. discloses all of the claim limitations as applied to claims 1, 11 and 21 respectively above. Yasukawa et al. explicitly discloses allowing the user to multi-click the object or cell (#109) and for each click by the user, changing

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the program information display item 109 with the multiple programming information (see column 23, lines 4-6 and 18-24 and text caption of Figure 19, “when going on clicking...”).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 9, 18, 19, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasukawa et al. (U.S. Patent 7,047,550 B1).

In reference to claims 8, 9, 18, 19, 28 and 29, Yasukawa et al. discloses all of the claim limitations as applied to claims 1, 11 and 21 above. Although Yasukawa et al. discloses the object as a programming event information object, Yasukawa et al. does not explicitly disclose the object as either programming time slot or channel slot fields. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the teachings of Yasukawa et al. to create the same effect of multiple overlapping EPG information for both programming time slot and channel slot fields. Applicant has not disclosed that specifically providing the effect in either and/or both of the programming time slot or channel slot fields provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the teachings of Yasukawa et al. as they apply to the programming information data in the EPG of Yasukawa et al. since the exact data which is processed upon is seen as a

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matter decided upon by the inventor and to which best suits the application at hand. Further, the exact “field” of data chosen to perform the attribute modifying techniques as recited above, is seen to provide no immediate criticality to the invention at hand since almost any type of object of an EPG could be manipulated in the manner as recited by the claims. Therefore, it would have been obvious to one of ordinary skill in this art to modify Yasukawa et al. to obtain the invention as specified in claims 8, 9, 18, 19, 28 and 29.

5. Claims 3, 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasukawa et al. (U.S. Patent 7,047,550 B1) in view of Bedard (U.S. Patent 5,793,438).

In reference to claims 3, 13 and 23 Yasukawa et al. discloses all of the claim limitations as applied to claims 1, 11 and 21 respectively above. Although Yasukawa et al. discloses modifying the attributes of color and 3D position (see above rejections of claims 2 and 4), Yasukawa et al. does not explicitly disclose modifying the shape of the EPG object. Bedard discloses an Electronic Program Guide which presents program guide information in table form at different levels of resolution (see lines 1-3 of abstract). Bedard discloses the EPG to comprise of a first table showing channel names, times and program content represented as square (see #502), sometimes shaded (#504), objects (see Figure 5 of Bedard). Bedard also discloses a magnified table (#510) overlaid over base table (#502) which magnifies the program content object and turns the square into a rectangle with text to describe the program information (see Figure 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the program information object shape changing of Bedard with the EPG object manipulation techniques of Yasukawa et al. in order to maximize the display of EPG data

while meeting the limitations of the television screen's resolution (see column 2, lines 15-19 of Bedard).

6. Claims 5-7, 15-17 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasukawa et al. (U.S. Patent 7,047,550 B1) in view of Wilcox et al. (U.S. Patent 6,678,891 B1).

In reference to claims 5, 15 and 25, Yasukawa et al. discloses all of the claim limitations as applied to claims 1, 11 and 21 respectively above. Yasukawa et al. does not explicitly disclose overwriting the attribute with a default attribute when an expiration value limit is reached. Wilcox et al. discloses an collection of on-screen interface components arranged in combination to provide an easy to use computer interface (see column 2, lines 22-25). Wilcox et al. discloses an overview of the execution of the user interface which includes detecting if a user has depressed a key and if not noting a "timeout" situation and performing certain processing in turn (see column 17, lines 60-63, columns 18-19, lines 60-3, column 19, lines 21-25 and Figures 124 and 125). The "expiration value" of Applicant's claims is seen as functionally equivalent to a certain time value inherently disclosed in the "time out" of Wilcox et al. Note that Wilcox et al. marks the entire video buffer as dirty (see Figure 125) necessitating a buffer refresh of data which inherently comprises of modified data (see column 19, lines 24-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the interface processing of Wilcox et al. with the EPG data user modifications of Yasukawa et al. in order to properly handle user input in an interface by detecting user activity and displaying or not displaying certain data, creating an intuitive interface (see column 2, lines 5-7 and column 18, lines 50-54 of Wilcox et al.).

In reference to claims 6, 16 and 26, Yasukawa et al. and Wilcox et al. disclose all of the claim limitations as applied to claims 5, 15 and 25 respectively above. Wilcox et al. discloses an overview of the execution of the user interface which includes detecting if a user has depressed a key and if not noting a “timeout” situation and performing certain processing in turn (see column 17, lines 60-63, columns 18-19, lines 60-3, column 19, lines 21-25 and Figures 124 and 125). The “expiration value” of Applicant’s claims is seen as functionally equivalent to a certain time value inherently disclosed in the “time out” of Wilcox et al.

In reference to claims 7, 17 and 27, Yasukawa et al. and Wilcox et al. disclose all of the claim limitations as applied to claims 5, 15 and 25 respectively above. Wilcox et al. also discloses a menu interface element which is arranged in a circular form (see column 12, lines 41-60 and #114 of Figure 5). The Office believes that the “circular form” menu of Wilcox et al. inherently returns to a default or first menu item when the user has scrolled through all of the when items or the max number of menu items.

Response to Arguments

7. In view of the appeal brief filed on 5/09/2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth above.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

8. Applicant's arguments, see pages 4-8 of the Appeal Brief, filed 05/09/06, with respect to the rejection(s) of claim(s) 1-30 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Yasukawa et al..

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

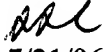
or faxed to:

571-273-8300 (Central Fax)

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

aac


7/21/06

PATENT EXAMINER



**KEE M. TUNG
SUPERVISORY PATENT EXAMINER**